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SENATE BILL 115

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Tsosie

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; ENACTING THE INDIAN EDUCATION ACT;
PRESCRIBING POWERS AND DUTIES; CREATING A FUND; REPEALING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the
"Indian Education Act". "

Section 2. A new section of the Public School Code is
enacted to read:

"[NEW MATERIAL] PURPOSE OF ACT. -- The purpose of the Indian
Education Act is to:

A. ensure equitable and culturally relevant
learning environments, educational opportunities and culturally

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1 relevant instructional materials for American Indian students
2 enrolled in public schools;

3 B. ensure maintenance of native languages;

4 C. provide for the study, development and
5 implementation of educational systems that positively affect
6 the educational success of American Indian students; and

7 D. provide the means for a formal government-to-
8 government relationship between the state and New Mexico tribes
9 and the development of relationships with the education
10 division of the bureau of Indian affairs and other entities
11 that serve American Indian students. "

12 Section 3. A new section of the Public School Code is
13 enacted to read:

14 "[NEW MATERIAL] DEFINITION. --As used in the Indian
15 Education Act, "tribe" means an Indian nation, tribe or pueblo
16 located within New Mexico. "

17 Section 4. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] STATE BOARD--TRIBES--RULEMAKING. --The
20 state board, in consultation with tribes, may adopt and
21 promulgate rules to implement the provisions of the Indian
22 Education Act. "

23 Section 5. A new section of the Public School Code is
24 enacted to read:

25 "[NEW MATERIAL] INDIAN EDUCATION DIVISION--CREATED--

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1 ASSISTANT SUPERINTENDENT-- DUTIES.

2 A. The "Indian education division" is created
3 within the department of education. The state superintendent
4 shall appoint an assistant superintendent for Indian education,
5 who shall direct the activities of the division.

6 B. The Indian education division shall:

7 (1) provide assistance to school districts and
8 tribes to meet the educational needs of American Indian
9 students;

10 (2) provide assistance to school districts and
11 tribes in the planning, development, implementation and
12 evaluation of curricula in native languages, culture and
13 history designed for American Indian students;

14 (3) provide assistance to school districts and
15 tribes to develop curricula and instructional materials in
16 native languages, culture and history in conjunction and by
17 contract with native language practitioners and tribal elders,
18 unless the use of written language is expressly prohibited by
19 the tribe;

20 (4) establish an Indian education advisory
21 council;

22 (5) by January 2006, enter into agreements
23 with each tribe or authorized tribal educational entity to
24 share programmatic information and to coordinate technical
25 assistance for public schools that serve American Indian

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1 students;

2 (6) seek funds to establish an Indian
3 education office in the northwest corner of the state to
4 implement agreements with each tribe or authorized tribal
5 educational entity, monitor the progress of American Indian
6 students and coordinate technical assistance at the public
7 schools that serve American Indian students;

8 (7) require school districts to obtain a
9 signature of approval by the tribal governments or tribal
10 government designees residing within school district
11 boundaries, verifying that the tribes agree to Indian education
12 policies and procedures pursuant to federal requirements; and

13 (8) seek funds to establish, develop and
14 implement the following support services for the purposes of
15 increasing the number of American Indian teachers and
16 principals and providing continued professional development for
17 teachers and principals serving American Indian students, in
18 conjunction with the Indian education advisory council:

- 19 (a) recruitment;
- 20 (b) academic transition programs;
- 21 (c) academic financial support;
- 22 (d) teacher preparation;
- 23 (e) teacher induction; and
- 24 (f) professional development; and

25 (9) ensure that native language bilingual

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1 programs are part of a school district's professional
2 development plan, as provided in Section 22-2-2 NMSA 1978. "

3 Section 6. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] ADVISORY COUNCIL. --

6 A. The "Indian education advisory council" shall
7 consist of one American Indian educator from each tribe,
8 including one urban representative, not to consist of more than
9 twenty-three members to assist in evaluating, consolidating and
10 coordinating all activities relating to education of American
11 Indian students.

12 B. On a semiannual basis, representatives from all
13 tribes, members of the state board, the governor's office, the
14 New Mexico office of Indian affairs, the legislature, the state
15 superintendent and the Indian education advisory council shall
16 meet to assist in evaluating, consolidating and coordinating
17 all activities relating to the education of American Indian
18 students.

19 C. Members of the Indian education advisory council
20 may receive per diem and mileage as provided for nonsalaried
21 public officers in the Per Diem and Mileage Act. "

22 Section 7. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] REPORT. --

25 A. The Indian education division in collaboration

1 with the education division of the bureau of Indian affairs and
2 other entities that serve American Indian students shall submit
3 an annual statewide American Indian education status report to
4 all tribes.

5 B. A school district with tribal lands located
6 within its boundaries shall provide a districtwide American
7 Indian education status report to all tribes represented within
8 the school district boundaries.

9 C. The status reports shall be written in a brief
10 format and shall include the following information, through
11 which public school performance is measured and reported to the
12 tribes:

13 (1) student achievement as measured by a
14 statewide test approved by the state board, with results
15 disaggregated by ethnicity;

16 (2) school safety;

17 (3) the dropout rate;

18 (4) attendance;

19 (5) parent and community involvement;

20 (6) educational programs targeting American
21 Indian students;

22 (7) financial reports;

23 (8) current status of federal Indian education
24 policies and procedures;

25 (9) school district initiatives to decrease

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1 the number of student dropouts and increase attendance;

2 (10) public school use of variable school
3 calendars; and

4 (11) school district consultations with parent
5 advisory committees. "

6 Section 8. A new section of the Public School Code is
7 enacted to read:

8 "[NEW MATERIAL] **FUND CREATED.** --

9 A. The "Indian education fund" is created in the
10 state treasury. The fund consists of appropriations, gifts,
11 grants and donations and income from investment of the fund.
12 Money in the fund shall not revert to any other fund at the end
13 of a fiscal year. The fund shall be administered by the
14 department of education, and money in the fund is appropriated
15 to the department to distribute awards to support the Indian
16 Education Act.

17 B. The department of education shall develop
18 procedures and rules for the award of money from the fund.
19 Disbursement of the fund shall be made by warrant of the
20 department of finance and administration pursuant to vouchers
21 signed by the state superintendent. "

22 Section 9. **APPROPRIATION.** -- Three million five hundred
23 thousand dollars (\$3,500,000) is appropriated from the general
24 fund to the Indian education fund for expenditure in fiscal
25 year 2004 and subsequent fiscal years to carry out the purposes

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1 of the Indian Education Act. Any unexpended or unencumbered
2 balance remaining at the end of a fiscal year shall not
3 revert to the general fund.

4 Section 10. REPEAL. -- Sections 22-2-11 through 22-2-13
5 NMSA 1978 (being Laws 1975 (1st S.S.), Chapter 8, Sections 1
6 through 3) are repealed.

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